

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEF DAVID WILLIAMS,

Defendant.

CR 09-61-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Josef David Williams (Williams) has been accused of violating the conditions of his supervised release. Williams admitted the alleged violation. Williams's supervised release should be revoked. Williams should be placed in custody for 3 months, with a lifetime of supervise release to follow. Williams should serve his term of custody at the Federal Correctional Institution in Englewood, Colorado.

**II. Status**

Williams pleaded guilty to Possession of Child Pornography on November 10, 2009. (Doc. 26). The Court sentenced Williams to 120 months of custody, followed by supervised release for life. (Doc. 32). Williams's current term of supervised release began on October 7, 2022. (Doc. 104 at 2).

### **Petition**

The United States Probation Office filed a Petition on February 27, 2023, requesting that the Court revoke Williams's supervised release. (Doc. 104). The Petition alleged that Williams had violated the conditions of his supervised release by failing to successfully complete his sex offender treatment program.

### **Initial appearance**

Williams appeared before the undersigned for his initial appearance on March 7, 2023. Williams was represented by counsel. Williams stated that he had read the petition and that he understood the allegations. Williams waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a revocation hearing on March 7, 2023. Williams admitted that he had violated the terms of his supervised release by failing to successfully complete his sex offender treatment program.

Williams's violation is a Grade C violation. Williams's criminal history category is I. Williams's underlying offense is a Class C felony. Williams could be incarcerated for up to 24 months. Williams could be ordered to remain on supervised release for up to life. The United States Sentencing Guidelines call for

a term of custody of 3 to 9 months.

### **III. Analysis**

Williams's supervised release should be revoked. Williams should be placed in custody for 3 months, with a lifetime of supervised release to follow. This sentence is sufficient but not greater than necessary. Williams should serve his term of custody at the Federal Correctional Institution in Englewood, Colorado.

### **IV. Conclusion**

The Court informed Williams that the above sentence would be recommended to Chief United States District Judge Brian Morris. The Court also informed Williams of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Williams that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Williams stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Josef David Williams violated the conditions of his supervised release by failing to successfully complete his sex offender treatment program.

The Court **RECOMMENDS:**

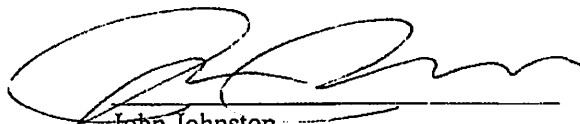
That the District Court revoke Williams's supervised release and commit Williams to the custody of the United States Bureau of Prisons for 3 months, with a lifetime of supervised release to follow. Williams should serve his term of custody at the Federal Correctional Institution in Englewood, Colorado.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a

district court judge.

DATED this 8th day of March, 2023.

A handwritten signature in black ink, appearing to read 'John Johnston', written over a horizontal line.

John Johnston  
United States Magistrate Judge